UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS

AND INTERFERENCES

MAILED

JAN 27 2006

U.S PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INVESTFERENCES

Ex parte LARRY B. GRAY, ANN ECKERT, TODD M. CHELAK and ROBERT M. TUMARKIN

Application No. 09/665,668

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (hereinafter "Board") on May 31, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal.

Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On October 6, 2005, the Board mailed an ORDER RETURNING

UNDOCKETED APPEAL (hereinafter "Order") wherein the Board ordered

the examiner to provide the missing attachments referred to on

page 8 of the Examiner's Answer, mailed on March 9, 2004.

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In response thereto, on October 28, 2005, the examiner provided an attachment comprising a marked-up copy of claims 21 and 22. Although the examiner did not provide a copy of U.S. Patent No. 5,844,193, such would be moot.

Apparently, based on the above information, the appendix submitted by the appellants is defective since it is not a correct copy of the claims on appeal.

Accordingly, it is

ORDERED that the application is returned to the examiner to notify appellants to submit an appendix of the correct copy of claims 21 and 22 on appeal, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS AND INTERFERENCES

Bv:

CRAIG R. FEINBERG

Program and Resource Administrator

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CRF/clm/mh